

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2145 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

ANILKUMAR UMEDBHAI AMIN

Versus

STATE OF GUJARAT

Appearance:

MR AD MITHANI for Petitioner
MR MUKESH A PATEL, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/04/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner has filed this petition in his individual capacity. In the special civil application, in para NO.4.1, the petitioner stated that he is

connected with various educational institutions. He is a trustee of a trust which runs Manekba Amin College of Fine Arts at Patan.

3. Challenge has been made in this special civil application to the order dated 30th December, 1992, of the respondent No.2 - Director of Primary Education under which it has declined to grant the application filed by the petitioner for starting a P.T.C. school at Patan from the academic year 1987-88.

4. During the course of arguments, learned counsel for the petitioner has given out as if that application has been filed by the trust, meaning thereby, the trust seeks permission to start the P.T.C. Training School. The trust is not a party before this court. This application is rejected on the ground that if it is granted then it will result in further increase in number of educated unemployed persons. Another ground has been given that the adequate building is not available with the petitioner to run this course. Yet another ground has been given that the building which is there is not on their own land. Learned counsel for the petitioner has given out that the respondent No.2 has passed a cryptic order. The trust has different buildings in the same campus and one of the buildings will be used exclusively for this course. However, it is very difficult, in the facts of this case, to accept this contention. In the existing building, the trust is running a College and three buildings are there for this College. The ground given for not granting permission to start such a course that it will add to the high number of educated unemployed persons is certainly a relevant consideration and on which this permission could not have been granted. Otherwise also, this trust is already running a College and what for it is praying for starting of other schools. Concentration of educational institutions in the hands of one trust may not be in the larger interest of the Society. For effective administration, management and control of the educational institutions, which in the State of Gujarat substantial percentage thereof is in the private sector is in the larger interest of both the State as well as the beneficiaries. Taking into consideration the matter from any angle, I do not find any illegality in the order passed by the respondent No.2.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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